



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

100 N. Senate Avenue • Indianapolis, IN 46204

(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Michael R. Pence
Governor

Carol S. Comer
Commissioner

November 5, 2015

VIA ELECTRONIC MAIL

Dear NPDES General Permittee:

As you should be aware by now, IDEM has been working on transitioning several of the existing NPDES general permits-by-rule (under Title 327 Article 15 of the Indiana Administrative Code) to an administrative format. This change is occurring with rulemaking found at LSA Document #10-659, which is intended to correct deficiencies in Indiana's general permit program as identified by the U.S. Environmental Protection Agency. IDEM public noticed draft versions of the following 5 NPDES general permits on December 15, 2014:

- ING080000 Groundwater Petroleum Remediation Systems
- ING670000 Hydrostatic Testing of Commercial Pipelines
- ING250000 Once-Through Non-Contact Cooling Water
- ING340000 Petroleum Products Terminals
- ING490000 Sand, Gravel, Dimension Stone, and Crushed Stone Operations

The purpose of this letter is to notify you of the status of the rule amendments to 327 IAC 5 and 327 IAC 15 which are resulting in the conversion of the initial five (5) general permits-by-rule to administrative general permits. The rule amendments were final adopted by the Environmental Rules Board on July 8, 2015. The final rule amendments and all of the supporting documentation were then routed to the Attorney General's office and the Governor's office for their review and approval. Per Indiana statutes, the rule amendments will become effective 30 days from the date on which they were filed with the Legislative Services Agency (which occurred on October 9, 2015). So the new rule amendments become effective on Sunday, November 8, 2015. The rule amendments were published in the Indiana Register on November 4, 2015.

IDEM is issuing the final NPDES general permits today, with an effective date of November 8, 2015 (which is the same date as the effective date of the rule amendments) to ensure the continuation of the general permit coverage without any gaps. This is an informational letter to advise you how the Office of Water Quality plans to implement the transition of the general permitting program for the five categories of NPDES general permits which are being converted from rule format to administrative format.

Existing General Permit Holders

Please rest assured that all existing general permit holders are still covered by the general permits-by-rule, even after they are repealed, subject to several conditions.



A State that Works

This “bridge” is allowed by statute at IC 13-18-3-15(c) which states “After 327 IAC 5 and 327 IAC 15 are amended under [IC 13-18-3-15(a)], the terms and conditions of an NPDES general permit under that article as they existed before the amendment remain in effect and are binding on any person regulated under the NPDES general permit until the person submits a notice of intent to be covered by an NPDES general permit developed and issued under [IC13-18-3-15(b)].

IC 13-18-3-15(d) provides that any person regulated under an NPDES general permit on the effective date of the rule amendment must submit a Notice of Intent (NOI) not later than ninety (90) days after the department makes the NOI form available to the person. Otherwise the person must apply for an individual NPDES permit. *In either case, the terms and conditions of the former general permit-by-rule will continue to be in effect until IDEM takes a final action with regard to either the NOI or the individual application.*

Due to the fact that we have nearly 270 existing general permittees who are affected by this transition, we have developed an implementation plan which schedules when we will officially notify each permittee or group of permittees of the need to file the new NOI. We plan to spread this transition out over several months. Therefore, unless you have a new site that needs general permit coverage, you do not need to take action with regard to filing an NOI or an individual application at this time. What you do need to do is to review the final issued NPDES general permit to ensure that your facility is still eligible for general permit coverage. If you have any questions or are in doubt, please feel free to contact our office. We will be happy to discuss your particular situation with you either on the telephone or in person. We will work with you to try to make this transition as smooth as possible.

Today we are sending you copies of the final NPDES general permit, the fact sheet, responses to comments, and public notice of the final issuance with appeal information. Please contact us if you need to obtain a copy of the final version of the new NOI form for any of the general permits. We are not sending the NOI form to you at this time lest it be mistakenly perceived as the official notification as mentioned above and as set forth in IC 13-18-3-15(d).

One question which has already been asked pertains to those entities who have recently filed NOIs for general permit coverage. While the statute (IC 13-18-3-15) and the new general permit both require any person who desires coverage under the administrative general permit to file an NOI after the effective date of the general permit, the permitting authority does have the ability to waive some of the NOI requirements. Therefore, IDEM will waive the following items for any facility for which a complete new or renewal NOI was filed with IDEM after January 1, 2015:

1. The proof of publication in a local newspaper that the person intends to comply with the NPDES general permit.
2. The \$50 application fee (if a fee was remitted with the previous 2015 submittal).

New (Unpermitted) Facilities

A person representing any new (unpermitted) facility must utilize the new NOI form to obtain coverage under the new administrative NPDES general permit. Please contact our office to obtain the NOI form.

Appeal Information

Any party affected or aggrieved by this decision may appeal by filing a petition for administrative review with the Office of Environmental Adjudication within eighteen (18) days after the date of this letter. Any appeal request must be filed in accordance with IC 4-21.5-3-7 and must include facts demonstrating that the party requesting appeal is the applicant, a person aggrieved or adversely affected by this revocation, or otherwise entitled to review by law. This petition constitutes a request for an adjudicatory hearing.

In order to be timely filed the petition for review must be either: (1) received by the Office of Environmental Adjudication no later than the deadline date; (2) postmarked no later than the deadline date; or (3) received by private carrier by the deadline date as shown by receipt issued by the carrier.

Additional information concerning appeal procedures can be found in the attached document.

Questions?

If you have any questions about the new administrative general permits or the NPDES rule amendments, please feel free to contact Mrs. Catherine Hess of my staff by calling (317) 232-8704 [or toll-free within the state of Indiana at (800) 451-6027, ext. 28704] or via email at owqwwper@idem.in.gov.

Sincerely,



Paul Higginbotham
Deputy Assistant Commissioner
Office of Water Quality

APPEAL PROCEDURES

The final NPDES general permits and related documents are posted on IDEM's web site at <http://www.in.gov/idem/cleanwater/2480.htm>. The final NPDES general permits are available for review at the IDEM Central Office, Indiana Government Center North, Room 1255, 100 N. Senate Avenue, Indianapolis, Indiana from 9:00 a.m. to 4:00 p.m., M - F, excluding state holidays (copies 10¢ per page). Copies of the final permit documents are also available at the local health departments and at IDEM's Regional Offices. The documents are also available via email request. See these sites for information concerning your rights and responsibilities: <http://www.IN.gov/idem/5474.htm> and <http://www.in.gov/idem/5903.htm>. Please tell others whom you think would be interested in this matter.

Appeal Procedure: Any person affected by the issuance of the Final Permit may appeal by filing a Petition for Administrative Review with the Office of Environmental Adjudication (OEA) within eighteen (18) days of the date of this Public Notice. Any appeal request must be filed in accordance with IC 4-21.5-3-7 and must include facts demonstrating that the party requesting appeal is the applicant; a person aggrieved or adversely affected or is otherwise entitled to review by law. The Petition for Administrative Review must be received by the OEA within 18 days of the date of this Public Notice; either by U.S. Mail postmark or by private carrier with dated receipt. This Petition for Administrative Review represents a request for an Adjudicatory Hearing, therefore must:

1. state the name and address of the person making the request;
2. identify the interest of the person making the request;
3. identify any persons represented by the person making the request;
4. state specifically the reasons for the request;
5. state specifically the issues proposed for consideration at the hearing; and
6. identify the Final Permit terms and conditions which, in the judgment of the person making the request, would be appropriate to satisfy the requirements of the law governing these NPDES Permit(s).

If the person filing the Petition for Administrative Review desires any part of any final NPDES General Permit to be stayed pending the outcome of the appeal, a Petition for Stay must be included in the appeal request, identifying those parts to be stayed. Both Petitions shall be mailed or delivered to this address:

Environmental Law Judge
Office of Environmental Adjudication
IGC – North Building- Rm 501
100 N. Senate Avenue
Indianapolis, IN 46204

Indiana Department of Environmental Management

Office of Water Quality, Permits Branch
100 North Senate Avenue, IGCN Room 1255
Indianapolis, Indiana 46204
(317) 232-8670
Toll Free (800) 451-6027
www.idem.IN.gov

In compliance with the provisions of the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977 (33 U.S.C. 1251, et seq., the "Act"), Title 13 of the Indiana Code, Articles 5 and 15 of Title 327 the Indiana Administrative Code, and regulations adopted by the Environmental Rules Board, the Indiana Department of Environmental Management (IDEM) is issuing this NPDES general permit to regulate discharges of wastewater from hydrostatic testing of commercial pipelines into surface waters of the State of Indiana.

This permit is issued on: **November 5, 2015**

This permit is effective on: **November 8, 2015**

This permit expires on: **October 31, 2020**

In accordance with IC 13-15-3-6, 40 CFR 122.6, and 123.25, the conditions of this permit remain fully effective and enforceable after the expiration date of the permit if the permittee has submitted a timely Notice of Intent letter (NOI) for a new term of coverage and IDEM has not, through no fault of the person, issued a new permit on or before the expiration date of this permit.



Paul Higginbotham
Deputy Assistant Commissioner
Office of Water Quality

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1.0 GENERAL PERMIT COVERAGE

1.1 Permit Area

This hydrostatic test water general permit covers all areas of the State of Indiana.

1.2 Discharges Authorized/Covered by this Permit

This general permit covers any new or existing discharges of hydrostatic test water from commercial pipelines to surface waters of the State of Indiana. It authorizes discharges from hydrostatic testing of commercial pipelines and flowlines which are used for the transportation of natural gas, crude oil, and liquid or gaseous petroleum hydrocarbons. These discharges will henceforth in this permit be described as hydrostatic test water.

This general permit serves as a National Pollutant Discharge Elimination System (NPDES) general permit and is issued to be effective for a maximum term of five (5) years. In order to obtain authorization to discharge under this permit, a person must submit an NOI pursuant to Section 4.0. The Commissioner may grant or deny coverage under this permit or require an application for an individual permit.

Except as provided in Section 1.3, when a Notice of Intent (NOI) is submitted as set forth in Section 4.0 below, a facility is permitted to discharge hydrostatic test water to surface waters of the state in accordance with the terms of this general permit. This authorization to discharge shall become effective upon receipt of notification of inclusion/coverage by the Commissioner. Any discharges of hydrostatic test water to a surface water of the state that are not permitted under this general permit or by an individual permit are unlawful.

Permittees who are granted general permit coverage will remain covered under this permit until the earliest of the following:

- a) The permittee receives authorization for coverage under a reissued or replacement version of this permit; or
- b) IDEM's receipt of the permittee's submittal of a Notice of Termination (see Section 5.0); or
- c) Issuance or modification of an individual permit for the discharges covered by this general permit; or
- d) A final decision by IDEM either to revoke or to not reissue this general permit, at which time IDEM will identify a reasonable time period for covered dischargers to seek coverage under an alternative general permit or an individual permit. Coverage under this permit will terminate at the end of this identified time period.

1.3 Eligibility

- a) This general permit covers discharges of hydrostatic test water from commercial pipelines to surface waters of the state, except as limited in paragraph b below.
- b) The following discharges of hydrostatic test water are not authorized by this permit:
 - 1) direct discharges into waters that are designated as an Outstanding National Resource Water (ONRW) defined at IC 13-11-2-149.5 or an Outstanding State Resource Water (OSRW) defined at IC 13-11-2-149.6 and listed at 327 IAC 2-1.3-3(d);
 - 2) discharges to a receiving stream when the discharge results in an increase in the ambient concentration of a pollutant which contributes to the impairment of the receiving stream for that pollutant as identified on the current 303(d) list of impaired waters;
 - 3) discharges containing water treatment additives (WTAs) which have not received prior written approval from IDEM for the specific additive, use, and dosage at the particular site for which the Notice of Intent (NOI) is submitted; and
 - 4) discharges resulting from the cleaning of tanks and/or pipelines.

1.4 Fees (Application and Annual Maintenance)

Any person who seeks coverage under this general permit is required to remit an application fee with the Notice of Intent (NOI) in accordance with IC 13-18-20-12. Pursuant to the statute, this fee is required for a new NOI submittal, renewals, and modification requests, including transfers of coverage requested under Section 6.2 and any planned facility changes referenced in Section 6.3 of this permit that would result in the need for an NOI. Persons covered by this general permit are also required by IC 13-18-20 to remit annual operating fees to IDEM for as long as coverage continues. Coverage under this general permit may be revoked for nonpayment of applicable fees as set forth in IC 13-18-20.

2.0 EFFLUENT LIMITATIONS

All permittees must control discharges as necessary to meet numeric and narrative water quality standards in the receiving water for any discharges authorized by this permit, with compliance required upon beginning such a discharge.

2.1 Discharge Limitations

Table 1

Parameter	Quantity or Loading			Quality or Concentration			Monitoring Requirements	
	Monthly average	Daily maximum	Units	Monthly average	Daily maximum	Units	Measurement frequency	Sample type
Flow[1]	Report	Report	MGD				Daily	24 Hr. Total
Total Flow		Report	Mgal/month				1 x monthly	Cumulative monthly total
TSS					45	mg/l	Daily	Grab [2]
Oil and grease					15	mg/l	Daily	Grab [2]
Total Residual Chlorine (TRC) [3][4]					0.02	mg/l	Daily	Grab [2]

Table 2

Parameter	Quality or Concentration		Units	Monitoring Requirements	
	Daily minimum	Daily maximum		Measurement frequency	Sample type
pH	6.0	9.0	s.u.	Daily	Grab

- [1] Measurement of flow is required. The discharge flow volume may be estimated by calculating the volume of water which can be contained in the section of pipeline being tested.
- [2] Grab samples shall be taken of the hydrostatic test water being discharged as it leaves the pipeline being tested or after receiving treatment at the beginning and at the end of the discharge and two (2) times during the discharge at evenly spaced time intervals. All of the grab samples shall be combined into one (1) composite sample at the end of the test period for analysis.
- [3] The effluent limitation for Total Residual Chlorine (TRC) shall apply whenever chlorinated intake water is used to hydrostatically test pipelines. For any months in which chlorinated intake water is not used for hydrostatically testing, the permittee shall be allowed to report "n/a" on the Discharge Monitoring Report (DMR) for this parameter. The permittee is not authorized to add chlorine to treat the source water as part of this general permit.
- [4] The daily maximum water quality based effluent limit (WQBEL) for chlorine is greater than or equal to the limit of detection (LOD) but less than the limit of quantitation (LOQ) as defined below which is specified in the permit. Compliance with the daily maximum limit will be demonstrated if the observed effluent concentrations are less than the LOQ.

<u>Parameter</u>	<u>Test Method</u>	<u>LOD</u>	<u>LOQ</u>
Chlorine	4500-Cl-D	0.02 mg/l	0.06 mg/l
Chlorine	4500-Cl-E	0.02 mg/l	0.06 mg/l
Chlorine	4500-Cl-G	0.02 mg/l	0.06 mg/l

Case-Specific LOD/LOQ

The permittee may determine a case-specific LOD or LOQ using the analytical method specified above, or any other test method which is approved by the Commissioner prior to use. The LOD shall be derived by the procedure specified for method detection limits contained in 40 CFR Part 136, Appendix B, and the LOQ shall be set equal to 3.18 times the LOD. Other methods may be used if first approved by the Commissioner.

2.2 Narrative Water Quality Standards

- a) The discharge shall not contain substances, materials, floating debris, oil, scum, or other pollutants that will settle to form putrescent or otherwise objectionable deposits;
- b) The discharge shall not contain substances that are in amounts sufficient to be unsightly or deleterious;
- c) The discharge shall not contain oil or other substances that produce color, visible oil sheen, odor, or other conditions in such degree as to create a nuisance;
- d) The discharge shall not contain substances which are in amounts sufficient to be acutely toxic to, or to otherwise severely injure or kill aquatic life, other animals, plants, or humans;
- e) The discharge shall not contain substances which are in concentrations or combinations that will cause or contribute to the growth of aquatic plants or algae to such a degree as to create a nuisance, be unsightly, or otherwise impair the designated uses.

3.0 MONITORING REQUIREMENTS AND PROCEDURES

3.1 What to Sample

Samples shall be taken in accordance with the sample type specified in Section 2.1 of this general permit. The Commissioner may require the permittee to sample for additional parameters. When this becomes the case, the permittee shall be notified in writing and given the reasons for the additional sampling requirement.

3.2 Measurement Frequency

Measurement frequency of each parameter is identified in Section 2.1 above. The Commissioner may require the permittee to conduct more frequent measurement of one or more of these parameters. When this becomes the case, the permittee shall be notified in writing and given the reasons for the more frequent sampling requirement.

3.3 Representative Sampling

Samples and measurements taken in compliance with the monitoring requirements specified above shall be representative of the volume and nature of discharges of hydrostatic test water. The samples and measurements shall be taken prior to mixing with any other waters and prior to discharging to the receiving stream.

3.4 Additional monitoring by permittee

When the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified in section 3.5 below, the results of this monitoring shall be included in the calculation and reporting of the values required in the monthly Discharge Monitoring Report (DMR). Such increased frequency shall also be indicated. Other monitoring data not specifically required in this permit (such as internal process or internal waste stream data) which is collected by or for the permittee need not be submitted unless requested by the Commissioner.

3.5 Testing Procedures

The analytical and sampling methods used shall conform to the current version of 40 CFR 136. Multiple editions of Standard Methods for the Examination of Water and Wastewater are currently approved for most methods however, 40 CFR Part 136 should be checked to ascertain that a particular method is approved for a particular analyte. The approved methods may be included in the texts listed below. However, different but equivalent methods are allowable when they receive the prior written approval of the Commissioner.

- a) Standard Methods for the Examination of Water and Wastewater, 18th, 19th, or 20th Editions, 1992, 1995, or 1998, American Public Health Association, Washington, D.C. 20005.
- b) A.S.T.M. Standards, Parts 23, Water; Atmosphere Analysis, 1972 American Society for Testing and Materials, Philadelphia, PA 19103.
- c) Methods for Chemical Analysis of Water and Wastes, June 1974, Revised, March 1983, Environmental Protection Agency, Water Quality Office, Analytical Quality Control Laboratory, 1014 Broadway, Cincinnati, OH 45202.

3.6 Recording of Results

For each measurement or sample taken pursuant to the requirements of this general permit, the discharger shall record the following information:

- a) the place (outfall number), date, and time of sampling;
- b) the person(s) who performed the sampling or measurements;
- c) the dates and times the analyses were performed;

- d) the person(s) and laboratory who performed the analyses;
- e) the analytical techniques or methods used; and
- f) the results of all required analyses and measurements.

3.7 Reporting Monitoring Results

- a) The permittee shall submit complete federal discharge monitoring reports (DMRs) and state monthly monitoring reports (MMRs) to the Commissioner containing results obtained during the previous monitoring period which shall be submitted no later than the 28th day of the month following each completed monitoring period. The first report shall be submitted by the 28th day of the month following the first completed monitoring period.
- b) Forms that were not issued by IDEM must receive approval by IDEM before they may be used.
- c) DMRs must be signed and certified by a responsible corporate officer, or a general partner or the sole proprietor, or a principal municipal executive officer or ranking elected official, or his or her duly authorized representative. Such authorization must be submitted in writing and must explain the duties and responsibilities of the authorized representative.
- d) Permittees shall keep a duplicate copy of all completed and signed monitoring report forms submitted. These documents shall be retained either on-site at the permitted facility or in such a manner that the reports will be readily available for IDEM compliance staff review.
- e) DMRs, MMRs, and any communication regarding compliance with the conditions of this general permit must be sent to:

Indiana Department of Environmental Management
Office of Water Quality
Compliance Data Section, IGCN Room 1255
100 North Senate Avenue
Indianapolis, Indiana 46204-2251

- f) The permittee may choose to or may be required to enroll in the NetDMR program for the electronic submittal of the federal Discharge Monitoring Reports and the state Monthly Monitoring Report forms in lieu of submitting them via U.S. Mail. If electronic reporting does become a requirement and the permittee does not have the ability to submit reports electronically, the permittee may request an exemption from the requirement which shall include the justification of the inability to utilize an electronic filing system

The Regional Administrator of U.S. EPA may request the permittee to submit monitoring reports to the U.S. EPA when the U.S. EPA deems it necessary to assure compliance with the permit.

3.8 Reporting Effluent Data on the Federal Discharge Monitoring Reports

- a) Effluent concentrations less than the limit of detection (LOD) shall be reported on the Discharge Monitoring Report (DMR) forms as < (less than) the value of the LOD. For example, when a substance is not detected at a concentration of 0.1 µg/l, report the value as <0.1 µg/l.
- b) Effluent concentrations greater than or equal to the LOD and less than the LOQ that are reported on a DMR shall be reported as the actual value and annotated on the DMR to indicate that the value is not quantifiable.

3.9 Records Retention

All records and information resulting from the monitoring activities required by this permit, including all records of analyses performed, calibration and maintenance of instrumentation, and recording from continuous monitoring instrumentation shall be retained for a minimum of three (3) years. All records shall be kept at the permitted facility or in such a manner that the reports will be readily available for IDEM compliance staff review. The three-year retention requirement shall be extended in the following circumstances:

- a) automatically during the course of any litigation regarding the discharge of pollutants by the permittee or regarding promulgated effluent guidelines applicable to the permittee; or
- b) as requested by the Regional Administrator of U.S. EPA or the Commissioner.

3.10 Reopening Clause

This general permit may be modified, or alternately, revoked and reissued, after public notice and opportunity for hearing to include any applicable effluent limitation or standard issued or approved under 301(b)(2)(C),(D) and (E), 304 (b)(2), and 307(a)(2) of the Clean Water Act, when the effluent limitation or standard so issued or approved:

- a) contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
- b) controls any pollutant not limited in the permit.

When this general permit is modified or revoked and reissued all persons regulated under it will be notified by IDEM. Those persons notified under this Section, within one hundred twenty (120) days of the receipt of notification, shall complete one (1) of the following:

- 1) submit a complete NOI containing the information required under the modified or reissued permit; or

- 2) apply for an individual NPDES permit.; or
- 3) submit a Notice of Termination (NOT) of discharge.

4.0 NOTICE OF INTENT (NOI) REQUIREMENTS

4.1 NOI Format

A person seeking coverage under this general permit shall submit a complete and timely Notice of Intent (NOI) form for this specific general permit which will be provided by the Commissioner. The NOI form must be signed by a person who has the appropriate signatory authority as required by 40 CFR 122.22.

The NOI shall be submitted to IDEM according to Section 4.3 of this general permit.

4.2 Deadlines for NOI Submittal

- a) For a new pipeline, an NOI shall be submitted at least thirty (30) days before any discharge occurs.
- b) For a pipeline that has existing, effective coverage under the former general permit (327 IAC 15-11) on the effective date of this general permit, the existing coverage shall automatically be extended provided that the permittee takes one of the following actions within ninety (90) days following the date that the Commissioner makes the NOI form available to the permittee.
 - 1) The permittee submits a new NOI in accordance with Section 4.0 of this general permit to affirm he/she intends to comply with the requirements of this new general permit;
 - 2) The permittee notifies IDEM in writing of his/her intent to terminate general permit coverage in accordance with Section 5.0 of this general permit; or
 - 3) The permittee submits an individual NPDES application or modification to IDEM for the existing discharge permitted by the former general permit. In such cases, the general permit coverage will remain in effect until the effective date of coverage under an individual NPDES permit.
- c) For subsequent renewals of coverage under this general permit, an NOI shall be submitted not less than ninety (90) days before the permit expires. If, upon review of the conditions and requirements of the reissued permit, the applicant determines that coverage under said permit is not appropriate for the site, he/she may, within 90 days, withdraw the NOI and submit either an application for an individual NPDES permit, or a Notice of Termination (see section 5.0 of this permit).
- d) In the case of a transfer of ownership, an NOI must be submitted not less than thirty (30) days before the transfer. Additional requirements for the

transfer of general permit coverage are found in Section 6.2 of this general permit.

- e) The Commissioner may, with good cause shown in writing, extend any of the submission deadline time periods required above.

4.3 Submitting the NOI and Processing Fee

The Notice of Intent and all supporting documents and fees shall be submitted as follows:

Submit hard copies to this address:
Indiana Department of Environmental Management
Office of Water Quality, NPDES General Permits
100 North Senate Avenue, IGCN Room 1255
Indianapolis, IN 46204-2251

IDEM continues to develop means of electronic submittals for Notice of Intent and Notice of Termination forms. Upon availability and notification by the Commissioner of an electronic application process, a person may choose to, or may be required to, utilize this process to file the NOI, NOT and other submission requirements. If the electronic application process does become a requirement and the person does not have the ability to submit NOIs or NOTs electronically, the permittee may request an exemption from the requirement which shall include the justification of the inability to utilize an electronic filing system.

4.4 NOI Content Requirements

The following information must be included in an NOI:

- a) name of the operator of the site and operator's email and mailing addresses and telephone number;
- b) name of the owner of the site and owner's email and mailing addresses and telephone number;
- c) name, telephone number, email and mailing addresses of a contact person who is knowledgeable about the site;
- d) name of contact for submission of monthly monitoring reports and contact's telephone number and email and mailing addresses for submission of monthly monitoring reports;
- e) the location address of the site itself, and the latitudinal and longitudinal coordinates (to the nearest second) of the center of the site;
- f) four digit SIC (Standard Industrial Classification) code that best describes the primary activity conducted at the site;
- g) brief description of the activities conducted at the site that result in the discharge

- h) estimate of the volume of hydrostatic test water to be discharged, in million gallons per day (mgd);
- i) latitudinal and longitudinal coordinates of each outfall location that will be discharging hydrostatic test water, including outfall numbers;
- j) location of each sampling point;
- k) name of the surface waters receiving each discharge;
- l) identification of the source of the water to be used for hydrostatic testing (i.e. municipal, well, or surface water);
- m) facility location map which identifies, via names of at least two intersecting nearby streets and any permanent structures, the location of the site where the activity resulting in the discharge will be conducted, the location where the discharge will occur, and the waters receiving the discharge. The facility map must show boundaries which extend at least a one mile radius beyond the facility property. Multiple maps may be used if the location of the receiving stream is sufficiently distant from the site that too much detail is lost on the site map if only one is used;
- n) a completed Potentially Affected Parties form (per IC 4-21.5, and mailing labels with the mail codes (Mail Code 65-42 PS) inserted on the first line of the label for each person listed;
- o) The NOI letter must also contain proof of publication of the following statement in a newspaper of the largest circulation in the area of the discharge: *(Supply facility name, address, address of the location of the discharging facility)* "is submitting a Notice of Intent to notify the Indiana Department of Environmental Management of our intent to comply with the requirements under the National Pollutant Discharge Elimination System (NPDES) general permit ING670000 for discharges of hydrostatic test water from commercial pipelines. Discharge will be to *(supply the names of the streams or water bodies receiving the discharge(s))*".

"Any person wishing further information about this discharge may contact *(supply facility contact person's Name and telephone or email information)*. The decision to issue coverage under this NPDES general permit for this discharge is appealable as per IC 13-15-6. Any person who wants to be informed of IDEM's decision regarding granting or denying coverage to this facility under this NPDES permit, and who wants to be informed of procedures to appeal the decision may contact IDEM's offices at OWQWWPER@idem.IN.gov to be placed on a mailing list to receive notification of IDEM's decision".
- p) documentation of IDEM pre-approval for the use of any water treatment additives (WTAs) to be used with the hydrostatic test water;

- q) required permit application fee as per IC 13-18-20-12;
- r) certification statement signed by the authorized signatory as set forth in 40 CFR 122.22.

5.0 REQUESTING TERMINATION OF COVERAGE

A permittee may request termination of coverage under this general permit when discharges of hydrostatic test water to surface waters of the State have ceased. In order to do so, the permittee shall complete and submit a Notice of Termination (NOT) according to Section 4.3 of this permit.

The permittee will continue to be responsible for submitting all reports required by this permit and for remitting annual permit maintenance fees billed according to Indiana Statute IC 13-18-20 until IDEM approves the NOT.

6.0 ADDITIONAL REQUIREMENTS

6.1 Standard Conditions for General Permits

The following standard permit conditions are incorporated by reference, as applicable to general permits.

Standard Conditions	Federal Regulatory Cite
a) Duty to comply	40 CFR 122.41(a)
b) Duty to reapply	40 CFR 122.41(b)
c) Need to halt or reduce activity not a defense	40 CFR 122.41(c)
d) Duty to mitigate	40 CFR 122.41(d)
e) Proper operation and maintenance	40 CFR 122.41(e)
f) Permit actions	40 CFR 122.41(f)
g) Property rights	40 CFR 122.41(g)
h) Duty to provide information	40 CFR 122.41(h)
i) Inspection and entry	40 CFR 122.41(i)
j) Monitoring and records	40 CFR 122.41(j)
k) Signatory requirements	40 CFR 122.41(k)
l) Reporting requirements	40 CFR 122.41(l)
m) Bypass reporting	40 CFR 122.41(m)
n) Upset reporting	40 CFR 122.41(n)
o) Additional reporting requirement for existing manufacturing, commercial, mining, and silvicultural dischargers	40 CFR 122.42(a)

6.2 Change of Ownership/Transfer

Coverage under this permit may be transferred in the event that the facility is sold or transferred to a new owner or operator when the following occurs:

- a) the current permittee notifies IDEM at least thirty (30) days in advance of the proposed transfer date.
- b) a written agreement containing a specific date of transfer of permit responsibility and coverage between the current permittee and the transferee (including acknowledgment that the existing permittee is liable for violations up to that date, and the transferee is liable for violations from that date on) is submitted to IDEM.
- c) The transferee certifies in writing to IDEM the intent to operate the facility without making such material and substantial alterations or additions to the facility as would significantly change the nature or quantities of pollutants discharged.
- d) In addition to the submittal of the written agreement for transfer the new owner or operator must also submit a new NOI in accordance with the provisions of Section 4.0 of this permit.

6.3 Planned Changes in Facility or Discharge

The permittee shall give notice to IDEM no later than thirty (30) days prior to the initiation of any physical alterations or additions to the permitted facility that will or may:

- a) result in a discharge from a point previously not identified in the NOI;
- b) result in the facility meeting one of the criteria for determining whether the facility is a new source as defined in 40 CFR 122.29(b);
- c) change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject either to effluent limitations in the general permit, or to notification requirements under 40 CFR 122.42(a)(1); or
- d) change the amount or frequency of the discharge.

Changes resulting in the addition (item a above) or deletion of a discharge point will necessitate the submission of a new NOI requesting this amendment, along with the appropriate fee in accordance with IC 13-18-20-12.

6.4 Other Information

When the permittee becomes aware of a failure to submit any relevant facts or the submission of incorrect information in a NOI or in any report, the permittee shall promptly submit such facts or corrected information to the Commissioner.

The permittee shall promptly provide to IDEM written notice of any changes to items listed on the NOI. These would include:

- a) any changes in contacts or responsible party;
- b) any changes to addresses- mailing address or email address- for any contact or responsible party;
- c) any changes to telephone numbers for any contact person or responsible party,
- d) any changes involving the person or position with delegated signature authority for any forms or reports required by this general permit as set forth in Section 6.1(k) of this general permit.

6.5 Effect of Noncompliance

All discharges shall be consistent with the terms and conditions of this general permit. Any noncompliance constitutes a violation of applicable State and Federal laws, the Clean Water Act and IC 13 and is grounds for enforcement action, termination of coverage under the permit, requiring an individual permit, and/or denial of permit coverage renewal.

When IDEM or the U.S. EPA determines that the effluent limitations contained in Sections 2.1 or 2.2 of this general permit are not being met consistently, or that the discharge is causing or contributing to an excursion above any applicable water quality standard, the permittee may be notified by the Commissioner in writing that an individual permit application is necessary.

6.6 Reporting Spills and Noncompliance

The permittee must monitor for, identify, and report to IDEM any adverse incidents (including spills and leaks) which reach any surface water of the state. When the permittee observes or is otherwise made aware of any permit noncompliance or any adverse incident that may have resulted from a discharge from the permitted facility, the permittee must notify IDEM by telephone at **(888) 233-7745**:

- a) immediately for bypasses, adverse incidents or noncompliance which pose a significant danger to human health or the environment, and
- b) as soon as possible but within two (2) hours of discovery for any bypasses, adverse incidents, or noncompliance resulting in death or acute injury or illness to animals or humans (see "Spill Response and Reporting Requirements" in 327 IAC 2-6.1).

The permittee shall report any noncompliance and other information that is subject to the reporting requirements of 40 CFR 122.41(l)-(m) and 40 CFR 122.42(a) of this general permit within 24 hours of the person becoming aware of the permit noncompliance if it does not meet either of the conditions listed above. The permittee shall make the oral reports to IDEM by calling (317) 232-8670 during regular business hours or by calling (317) 233-7745 ((888) 233-7745 toll free in

Indiana) during non-business hours. Written reports shall be submitted to IDEM within 5 days of the time the permittee becomes aware of the circumstances and may be submitted by U.S. Mail, by hand delivery, or via email. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and, if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce and eliminate the noncompliance and prevent its recurrence. The mailing address for the written report is:

Indiana Department of Environmental Management
Office of Water Quality
Compliance Data Section, IGCN Room 1255
100 North Senate Avenue
Indianapolis, Indiana 46204-2251

Any written reports which are sent to IDEM via email shall be sent to wwreports@idem.IN.gov. Any other permit noncompliance that is not subject to the reporting requirements of 40 CFR 122.41(l)-(m), 40 CFR 122.42(a), or 327 IAC 2-6.1 shall be reported at the time of submittal of the applicable Discharge Monitoring Report as referenced in Section 3.7 of this general permit.

6.7 Certified Operator

The permittee shall have any wastewater treatment facility, when applicable, under the responsible charge of an operator certified by the Commissioner in a classification corresponding to the classification of the wastewater treatment plant as required by IC 13-18-11-11 and 327 IAC 5-22.

6.8 Individual or Alternative General NPDES Permit

- a) IDEM may require a person to obtain an individual NPDES permit or an alternative general permit in accordance with the provisions of 327 IAC 15-2-9 or 40 CFR 122.28(b)(3).
- b) Any discharger authorized for coverage under this general permit may apply for coverage under an individual NPDES permit by submitting an individual NPDES application or modification to IDEM.

6.9 State and Local Laws

Coverage under this permit does not preempt any duty to obtain any other state, or local assent required by law for the discharge or for the construction or operation of the facility from which a discharge is made. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation or the Clean Water Act, as amended.



National Pollutant Discharge Elimination System

GENERAL PERMIT FACT SHEET for

Hydrostatic Testing of Commercial Pipelines

NPDES Permit No. ING670000

November 4, 2015

Indiana Department of Environmental Management

Office of Water Quality

100 North Senate Avenue

Indianapolis, Indiana 46204

www.idem.IN.gov

Existing Permit Information:	<p><u>Permit Number:</u> ING670000 (Master General Permit). Existing facilities permitted under 327 IAC 15-11 will retain their existing general permit tracking numbers, and new permitted facilities will have tracking numbers using same numbering protocol (ING670xxx).</p> <p><u>Expiration Date:</u> Under 327 IAC 15-11, each permitted facility has a unique expiration date based upon five (5) years from when coverage commences. Under this general permit all permitted facilities will have the same expiration date.</p>
Source Location:	State-wide
Receiving Stream:	All waters of the state of Indiana, except for Outstanding State Resource Waters and Outstanding National Resource Waters
Proposed Action:	New administrative NPDES general permit to replace existing NPDES general permit-by-rule (327 IAC 15-11)
Source Category	NPDES Minor – Industrial
Contacts:	<p>Name: Sheri Jordan or Catherine Hess</p> <p>Contact Information: sjordan@idem.in.gov, chess@idem.in.gov</p> <p>Telephone: (317) 232-8703 or (317) 232-8704</p>

The Federal Water Pollution Control Act (also referred to as The Clean Water Act (CWA) (33 U.S.C. 1251 et seq.), which was enacted in 1972, provides that the discharge of pollutants to the waters of the United States from any point source is unlawful, unless the discharge is in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. The primary condition determining eligibility for this general permit is ensuring that the discharge consists of only wastewater from hydrostatic testing of commercial pipeline(s). Dischargers who meet the eligibility requirements may apply for coverage by this NPDES general permit.

Development of a Fact Sheet for NPDES permits is required by Title 40 of the Code of Federal Regulations, Section 124.8 and 124.56. This document fulfills the requirements established in those regulations by providing the information necessary to inform the public of actions proposed by the Indiana Department of Environmental Management (IDEM) as outlined in 40 CFR 122.28 and 327 IAC 5-3-8.

A. Description of General Permit Category:

The purpose of this general permit is to regulate the discharge of wastewater associated with hydrostatic testing of commercial pipelines so that the public health, existing uses, and aquatic biota are protected. "Wastewater discharge associated with hydrostatic testing of commercial pipelines" means the discharge from a conveyance used for collecting and conveying wastewater which is directly related to commercial pipelines. This includes discharge of water used for hydrostatic testing of new or used pipelines. A "commercial pipeline" is a pipeline, generally underground, that transports petroleum or natural gas.

NPDES general permits are developed and issued to cover multiple facilities engaged in the same process category instead of an individual facility within the State of Indiana. IDEM first developed a general NPDES permit-by-rule (327 IAC 15-11) for discharges of hydrostatic test water in 1994. As a result of statutory changes to Indiana law in 2011, IDEM is now changing its method of administering NPDES general permits by changing from a permit-by-rule format to an administrative format which utilizes a "master general permit" (EPA terminology) which will be renewed and reevaluated on a five-year interval. Persons who seek coverage under the master general permit will continue to be assigned permit tracking numbers beginning with "ING67" but coverage under the general permit will be limited to the permit term established in the master general permit once it is issued.

Discharges of wastewater associated with hydrostatic testing of commercial pipelines are similar and require generally the same effluent limitations and monitoring requirements. As of November 2015, there are approximately 7 facilities which are currently regulated under 327 IAC 15-11. The facilities covered by this general NPDES permit have typical daily flow volumes ranging from 0.0001 to 10.0 million gallons per day (MGD). The discharges are typically infrequent and may only occur on a single day or over a period of a few days during a month. Since the permit requirements for all these discharges are similar it is the opinion of IDEM that this category of sources is controlled more appropriately under a NPDES general permit. These discharges are similar in the following ways:

- 1) They are comprised solely of hydrostatic test water discharges.
- 2) They originate from metallic or PVC pipelines.
- 3) The pipelines being tested are intended for future transport or have previously transported or contained petroleum or petroleum-derived gases or liquids.

B. Geographic area covered:

This general permit is intended to cover any discharge of hydrostatic test water from a commercial pipeline within the boundaries of the state of Indiana, except as denoted herein.

C. Receiving waters:

This general permit will authorize discharges to all surface waters of the State of Indiana, except for direct discharges to Outstanding State Resource Waters (OSRWs) and Outstanding National Resource Waters (ONRWs). Direct dischargers to OSRWs or ONRWs are required to obtain an individual NPDES permit to regulate their discharges.

D. Eligibility

Discharges covered under this general permit will be from industrial facilities with discharges solely comprised of wastewater from hydrostatic testing of commercial pipelines. This general permit contains certain specific exclusions from coverage which are denoted in Section 1.3 of the permit. Dischargers proposing discharges not authorized by this permit will be required to apply for an individual NPDES permit.

The following discharges of hydrostatic test water from commercial pipelines are not authorized by this permit:

- direct discharges into waters that are designated as an ONRW defined at IC 13-11-2-149.5 or an OSRW defined at IC 13-11-2-149.6 and listed at 327 IAC 2-1.3-3(d);
- discharges to a receiving stream when the discharge results in an increase in the ambient concentration of a pollutant which contributes to the impairment of the receiving stream for that pollutant as identified on the current 303(d) list of impaired waters;
- discharges containing water treatment additives (WTAs) which have not received prior written approval from IDEM for the specific additive, use, and dosage at the particular site for which the Notice of Intent (NOI) is submitted; and
- discharges resulting from the cleaning of tanks and/or pipelines.

E. Application for Coverage:

This general permit proposes to provide coverage for any discharges composed entirely of hydrostatic test water which meet the general permit criteria, are not precluded from general permit coverage, and where the discharger agrees to be regulated under the terms of the general permit.

Each discharger seeking coverage under this general permit must submit a Notice of Intent (NOI) form. Federal regulations found in 40 CFR 122.21(a) exclude persons covered by general permits from requirements to submit an application for an individual permit. NOI requirements are intended to establish a mechanism that can be used to establish a clear accounting of the number of permittees covered by the general permit, the identities, locations, mailing addresses, and nature of discharge.

F. Antidegradation Evaluation

Nature of Discharge

Hydrostatic testing of pipelines is generally done on a periodic basis resulting in discharges that only last for a short term, temporary period. In accordance with Indiana's Antidegradation Standards and Implementation Procedures at 327 IAC 2-1.3-4, a new or increased discharge of non-bioaccumulative chemicals of concern which only occurs for a short term, temporary period lasting less than 12 months does not constitute a significant lowering of water and is not subject to further antidegradation review.

Wastewater Characterization

The pollutants expected to be discharged to the receiving stream from a new pipeline include oil and grease and total suspended solids. The purpose of issuing the NPDES permit to dischargers discharging hydrostatic test water from commercial pipelines is to ensure that the discharge to the receiving stream does not result in deleterious effects to aquatic life and is in compliance with 327 IAC 2-1-6 and 327 IAC 2-1.5-8, the minimum surface water quality standards.

The general permit imposes effluent limits based on treatment technology and water quality standards. The effluent limits are set at levels to ensure there is not a significant lowering of water quality of the stream receiving the discharge. Monitoring and limiting these parameters will ensure the proper operation of these systems and the best management practices being employed to control the wastewater being discharged.

Total residual chlorine limits and monitoring requirements are also included for facilities which use a potable water supply as the source water for the hydrostatic testing. Although the existing general permit-by rule at 327 IAC 15-11 did not include effluent limitations for total residual chlorine, it did not prohibit the use the potable water supplies as source waters for hydrostatic testing. Dischargers are not authorized to introduce chlorine for treatment of the source water or wastewater. The purpose of adding total residual chlorine (TRC) limits is to acknowledge the potential use of potable water and to ensure only de minimis discharges of TRC when potable water is used for hydrostatic testing.

Eligibility

Pursuant to 327 IAC 15-2-9(b)(1)(A), applicable requirements contained in this general permit must be adequate to ensure compliance with the water quality standards contained in 327 IAC 2-1, or 327 IAC 2-1.5. Although existing commercial pipelines may contain crude petroleum, petroleum refined products and natural gas,

pollutants which have numeric water quality criteria are not expected to be present due to the source and nature of this discharge. However, when a substance is found to be present in the discharge which shows a reasonable potential to exceed a numeric water quality criterion, that facility will be required to obtain an individual NPDES permit prior to discharging.

G. When to Apply

All dischargers desiring coverage under this general permit must timely submit a Notice of Intent (NOI). The current NPDES general permit-by-rule (327 IAC 15-11) allows an NOI to be filed at least fifteen (15) days prior to the commencement of the proposed activity. Under the terms and conditions of this general permit, appropriate submission time frames, depending on the situation of the discharger are proposed (see Section 4.0 of general permit).

H. Permit Conditions:

1) Narrative Water Quality Based Limits

The narrative water quality standards contained in 327 IAC 2-1-6(a)(1) (A)-(E) and 327 IAC 2-1.5-8 have been included in this general permit to ensure that the narrative water quality criteria are met.

2) Current Numeric Permit Limits & Monitoring Requirements

Under State and Federal law and regulations 40 CFR 122.44 and 327 IAC 5, a discharge permit must establish effluent limitations equivalent to best available technology economically achievable (BAT). For some industry categories, such effluent limitations have already been established by the EPA. This is not the case with discharges of hydrostatic test water; thus, IDEM used best professional judgment (BPJ) to choose effluent limitations that meet technology based levels equivalent to BAT.

a) Flow is a standard parameter to be monitored in all NPDES permits. The requirement to report both the monthly average and daily maximum flows for each month has been retained from the general permit-by-rule. This parameter is required of all NPDES permits and is included in this permit in accordance with 327 IAC 5-2-13(a)(2).

b) Oil and Grease is a common industrial pollutant and has the potential to be present in hydrostatic test water. The daily maximum effluent limitation for oil and grease of 15 mg/l is considered sufficient to ensure compliance with the narrative water quality criteria in 327 IAC 2-1-6(a) and 327 IAC 2-1.5-8 which prohibit a visible oil sheen on receiving waters. The effluent limitations and monitoring requirement for oil and grease is the same as that which exists in the current general permit-by-rule, 327 IAC 15-11.

- c) **pH** is included in the general permit to ensure that the discharge will not violate Indiana water quality standards. The proposed limit of 6.0 to 9.0 standard units (s.u.) is in accordance with the Indiana Water Quality Standards (327 IAC 2-1-6 and 327 IAC 2-1.5-8). The effluent limitations and monitoring requirement for pH is the same as that which exists in the current general permit-by-rule, 327 IAC 15-11.
- d) **Total Suspended Solids (TSS)** is limited to a daily maximum of 45 mg/l. This limitation is based on the best professional judgment (BPJ) of the technology and corresponding effluent limitations equivalent to the best conventional treatment (BCT) in accordance with 327 IAC 5-2-10(6). The effluent limitations and monitoring requirements for TSS are the same as that which exists in the current general permit-by-rule, 327 IAC 15-11.
- e) **Total Flow.** An additional reporting requirement is being added to require permittees to monitor and report the total flow value for the month in units of million gallons (mgal). This requirement has been a parameter listed on the Discharge Monitoring Report forms for all NPDES permittees for the past several years, and it is included to assist IDEM in properly assessing the annual permit operating fees set forth under IC 13-18-20.
- f) **Total Residual Chlorine (TRC)** is limited to a daily maximum of 0.02 mg/l. The effluent limitation for TRC is 0.02 mg/l as a daily maximum. This limit is derived from 327 IAC 2-1-6. (Table 1 - Water Quality Criteria for Specific Substances) and 327 IAC 2-1.5-8 (Table 8-1; Surface Water Quality Criteria for Protection of Aquatic Life) and assumes that the discharge is likely to occur when there is little or no dilution available in the receiving waters. Since this effluent limitation (0.02 mg/l) is less than the LOQ value (0.06 mg/l), the permittee may report "< 0.06" for the daily maximum if the testing result(s) are less than the LOQ value. For any month in which the permittee does not utilize chlorinated intake water, the permittee may report "n/a" for this parameter. This parameter is included in the event that a potable water supply is utilized as the source water for the hydrostatic test water.

3) Monitoring and Reporting Requirements

Monitoring requirements for all pollutant parameters are set at 1 x Daily. Grab samples of each pollutant parameter shall be taken of the hydrostatic test water being discharged as it leaves the pipeline being tested or after receiving treatment at the beginning and at the end of the discharge and two (2) times during the discharge at evenly spaced time intervals. All of the grab samples shall be combined into one (1) composite sample at the end of the test period for analysis. If the permittee does not utilize a potable water supply as the source water for the hydrostatic testing, then the permittee can report "n/a" for TRC on the federal Discharge Monitoring Reports (DMRs) and state Monthly Monitoring Reports (MMRs).

Total flow volume for the month must be calculated once monthly. The permittee is required to complete and submit federal DMRs and state MMRs to IDEM containing the results obtained during the previous monitoring period by the 28th day of the month following the monitoring period.

The permittee may choose to or may be required to enroll in the NetDMR program for the electronic submittal of the federal DMR and the state MMR forms in lieu of submitting them via U.S. Mail. Once approved by IDEM, the permittee may use this process for submitting reports in lieu of submitting hard copies of the reports to IDEM.

I. Reporting Spills and Noncompliance

All persons covered by this general permit must monitor for, identify, and report adverse incidents. If a person covered by this general permit observes or is otherwise made aware of an adverse incident that may have resulted from a discharge, the person must notify IDEM by telephone at **(888) 233-7745**:

- immediately for incidents which pose a significant danger to human health or the environment,
- as soon as possible but within two (2) hours of discovery for any adverse incidents resulting in death or acute injury or illness to animals or humans (see 327 IAC 2-6.1), and
- within 24 hours of the person becoming aware of the adverse incident for any other adverse incidents not listed above.

The permittee shall also submit a written report to IDEM within 5 days of the permittee becoming aware of the incident and may be submitted by U.S. Mail, by fax, or by email (such reports must be sent to: wwreports@idem.IN.gov).

Spills from the permitted facility meeting the definition of a spill under 327 IAC 2-6.1-4(15), the applicability requirements of 327 IAC 2-6.1-1, and the Reportable Spills requirements of 327 IAC 2-6.1-5 (other than those meeting an exclusion under 327 IAC 2-6.1-3 or the criteria outlined below) are subject to the Reporting Responsibilities of 327 IAC 2-6.1-7.

It should be noted that the reporting requirements of 327 IAC 2-6.1 do not apply to those discharges or exceedances that are under the jurisdiction of an applicable permit when the substance in question is covered by the permit and death or acute injury or illness to animals or humans does not occur. In order for a discharge or exceedance to be under the jurisdiction of this NPDES permit, the substance in question (a) must have been discharged in the normal course of operation from an outfall listed in this permit, and (b) must have been discharged from an outfall for which the permittee has authorization to discharge that substance.

J. Fees

In accordance with IC 13-18-20-12, any application for a new permit, renewal of a permit, modification of a permit, or variance from a permit requirement must be accompanied by an application fee, which is currently \$50.00. This fee is also applicable to Notice of Intent letters for general permits. Once approved for coverage under a general permit, the permittee is also subject to annual operating fees. These annual fees are set by statute (IC 13-18-20).

K. Reopening Clause

This general permit may be modified, or alternately, revoked and reissued, after public notice and opportunity for hearing to include any applicable effluent limitation or standard issued or approved under 301(b)(2)(C),(D) and (E), 304 (b)(2), and 307(a)(2) of the Clean Water Act, when the effluent limitation or standard so issued or approved:

- a) contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
- b) controls any pollutant not limited in the permit.

L. Permit Term

This general permit is proposed to be in effect for a five-year term.

M. Forms, References, and Guidance Documents

The IDEM website will contain information about each of the NPDES general permits, including the issued permit(s), Notice of Intent (NOI) forms, Notice of Termination (NOT) forms, and helpful reference documents to assist the regulated community and the general public. This web page is still in development as of the date of this fact sheet.

Hydrostatic Testing of Commercial Pipelines General Permit Summary of Comments & IDEM Responses

The draft general permit was placed on public notice on December 15, 2014. Several modes of public notice were utilized. Notices were placed in the Indiana Register, in the Indianapolis Star and 6 other large circulation newspapers in the State of Indiana, on IDEM's web site at <http://www.IN.gov/idem/6777.htm>. The full text of the general permit and fact sheet are posted IDEM's web page for NPDES Permits on Notice at (<http://www.in.gov/idem/cleanwater/2480.htm> and were sent to the existing permittees via email. During the official public notice comment period, which ended on February 6, 2015, IDEM received comments from only one person, Mr. Rob Barkholz, Enbridge (RB)

Comment 1: Page 3 of 16 under Section 1.2 Discharges Authorized/Covered by this Permit states that "Permittees who are granted general permit coverage will remain covered under this permit until the earliest of the following:

. b) IDEM's receipt of the permittee's submittal of a Notice of Termination (see Section 5.0);...." However, Section 5.0 Requesting Termination of Coverage states that "The permittee will continue to be responsible for submitting all reports required by this permit and for remitting annual permit maintenance fees billed according to Indiana Statute IC 13-18-20 until IDEM approves the NOT." Section 5.0 appears to be inconsistent with Section 1.2 which indicates that coverage remains in effect until "IDEM's receipt of the permittee's submittal of a Notice of Termination."

IDEM RESPONSE: We have revised 1.2 b to make it clear that permittees are covered, and required to follow all conditions of the permit, until such time that they receive written confirmation from IDEM that their NOT has been approved.

COMMENT 2: It would improve clarity if Note [2] was to be revised as follows: "Four (4) grab samples shall be taken of the hydrostatic test water being discharged...."

IDEM RESPONSE: Note [2] has been revised as per your suggestion.

COMMENT 3: For clarity and consistency with Table 1, consider modifying language for Note [3] to reflect that both Monitoring Requirements and Quality or Concentration limitations for Total Residual Chlorine shall only apply whenever chlorinated intake water is used to hydrostatically test pipelines.

IDEM RESPONSE: The language in Note [3] has been modified to clarify this point.

COMMENT 4: Consider eliminating the requirement under (p) that requires the following information to be included in an NOI: "documentation of IDEM pre-approval for the use of any water treatment additives (WTAs) to be used with the hydrostatic test water." Obtaining pre-approval of all WTAs in association with an NOI is not practical as the dechlorinating agent that may be most appropriate depends upon characteristics

of the municipal water being used for the test, which can vary by municipal source. Specific characteristics of the discharge water required to obtain WTA approval, such as temperature or discharge characteristics, cannot be ascertained without knowledge of when the testing is performed, or until the most economical treatment method is determined. Consider using a procedure and language similar to what is used in the State of Michigan's general permits:

"This permit does not authorize the discharge of water additives without approval from the Department. Approval of water additives is authorized under separate correspondence. Water additives include any material that is added to water used at the facility or to a wastewater generated by the facility to condition or treat the water. In the event a permittee proposes to discharge water additives, including an increased discharge concentration of a previously approved water additive, the permittee shall submit a request to the Department for approval. See [Reference applicable section] for information on requesting water treatment additive use."

Consider methods and language similar to that in Part 1 Section A.3 of the attached link as a means of having permittees obtain approvals for WTAs.

http://www.michigan.gov/documents/deq/wrd-npdes-generalpermit-MIG670000_399823_7.pdf

IDEM RESPONSE: We have added text to Section 6 of the permit to clarify that the permittee may still apply for the use of additives that are deemed necessary by the permittee after he/she has received this approval of coverage under the general permit. The only prohibition IDEM will put on the permittee is that the additives must still be approved for use, and proof of this approval submitted, prior to their use.

COMMENT 5: Consider creating an approval system for "select water treatment additives" similar to what is described in the State of Michigan link below. This would allow more expedient approval for commonly used chemical products that are added to condition and treat the water to make it suitable for discharge, and are considered to not adversely affect aquatic life, and can be regulated through a permit with a chemical specific water quality-based effluent limit (WQBEL), using a parameter that mitigates the WTA toxicity (i.e., pH limits that mitigate a pH adjusting WTA).

http://www.michigan.gov/deq/0,4561,7-135-3313_3682_3713-317137--,00.html

IDEM RESPONSE: The process of approving water treatment additives is separate from the permitting process for General Permits. Therefore revising this process is outside of the scope of what we can do as a part of this permit.

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF WATER QUALITY
PUBLIC NOTICE OF ISSUANCE OF NPDES GENERAL PERMIT
PUBLIC NOTICE NO: 2015-11GP -F
ISSUANCE/NOTICE DATE: **November 5, 2015**

On November 5, 2015 the Indiana Department of Environmental Management (IDEM) issued the final NPDES General Permit for Hydrostatic Testing of Commercial Pipelines in a new format. This administrative NPDES general permit will supersede and replace the requirements for these discharges which are currently regulated under Article 15, Rule 11 of Title 327 of the Indiana Administrative Code (327 IAC 15-11). These include the following types of discharges to surface waters of the state:

NPDES Permit Number ING670000 for Hydrostatic Testing of Commercial Pipelines. The purpose of this permit is to establish requirements for point source discharges of waters used for the hydrostatic testing of commercial pipelines which are used for the transportation of natural gas, crude oil, and liquid or gaseous petroleum.

IDEM public noticed the draft general permit from December 15, 2014 and the comment period ended on February 6, 2015. Each general permit contains specific eligibility requirements. Ineligible discharges will require an individual NPDES permit or an alternate general permit (if available). Only facilities existing within the boundaries of Indiana may obtain NPDES general permit coverage.

APPEAL PROCEDURES FOR FINAL PERMITS

The final NPDES general permits and related documents are posted on IDEM's web site at <http://www.in.gov/idem/cleanwater/2480.htm>. The final NPDES general permits are available for review at the IDEM Central Office, Indiana Government Center North, Room 1255, 100 N. Senate Avenue, Indianapolis, Indiana from 9:00 a.m. to 4:00 p.m., M - F, excluding state holidays (copies 10¢ per page). Copies of the final permit documents are also available at the local health departments and at IDEM's Regional Offices. The documents are also available via email request. See these sites for information concerning your rights and responsibilities: <http://www.IN.gov/idem/5474.htm> and <http://www.in.gov/idem/5903.htm>. Please tell others whom you think would be interested in this matter.

Appeal Procedure: Any person affected by the issuance of the Final Permit may appeal by filing a Petition for Administrative Review with the Office of Environmental Adjudication (OEA) within eighteen (18) days of the date of this Public Notice. Any appeal request must be filed in accordance with IC 4-21.5-3-7 and must include facts demonstrating that the party requesting appeal is the applicant; a person aggrieved or adversely affected or is otherwise entitled to review by law. The Petition for Administrative Review must be received by the OEA within 18 days of the date of this Public Notice; either by U.S. Mail postmark or by private carrier with dated receipt. This Petition for Administrative Review represents a request for an Adjudicatory Hearing, therefore must:

1. state the name and address of the person making the request;
2. identify the interest of the person making the request;
3. identify any persons represented by the person making the request;

4. state specifically the reasons for the request;
5. state specifically the issues proposed for consideration at the hearing; and
6. identify the Final Permit terms and conditions which, in the judgment of the person making the request, would be appropriate to satisfy the requirements of the law governing these NPDES Permit(s).

If the person filing the Petition for Administrative Review desires any part of any final NPDES General Permit to be stayed pending the outcome of the appeal, a Petition for Stay must be included in the appeal request, identifying those parts to be stayed. Both Petitions shall be mailed or delivered to this address:

Environmental Law Judge
Office of Environmental Adjudication
IGC – North Building- Rm 501
100 N. Senate Avenue
Indianapolis, IN 46204

Stay Time frame: If the Petition(s) is filed within eighteen (18) days of the mailing of this Public Notice, the effective date of any part of the permit, within the scope of the Petition for Stay is suspended for fifteen (15) days. The Permit will become effective again upon expiration of the fifteen (15) days, unless or until an Environmental Law Judge stays the permit action in whole or in part.

Hearing Notification: Pursuant to Indiana Code, when a written request is submitted, the OEA will provide the petitioner or any person wanting notification, with the Notice of pre-hearing conferences, preliminary hearings, hearing stays or orders disposing of the Petition for Administrative Review. Petition for Administrative Review must be filed in compliance with the procedures and time frames outlined above. Procedural or scheduling questions should be directed to the OEA at 317/232-8591.

Questions about the final general permit may be directed to any of the following IDEM staff: C. Anne Burget at (317) 234-8745, Sheri Jordan at (317) 232-8703, or Catherine Hess at (317) 232-8704. Please send any email inquiries to owqwwper@idem.in.gov.